

**REPORT ON THE INVESTIGATION
OF THE
TOWN OF GREECE POLICE DEPARTMENT**



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DIRECTOR OF PUBLIC SAFETY**

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EXECUTIVE SUMMARY

1. Background

On June 7, 2008 Town of Greece Police Department (“GPD”) Sergeant Nicholas Joseph, while off-duty, caused a motor vehicle accident which resulted in serious personal injuries to a pregnant motorist. As a result of this accident, the woman’s baby was born premature and with significant disabilities. Following a criminal investigation by the New York State Police, the Monroe County District Attorney’s Office and the Grand Jury proceedings into the accident, at which several members of the GPD testified, Joseph was indicted for perjury, assault, vehicular assault, leaving the scene of a personal injury automobile accident, driving while intoxicated, driving while ability impaired by drugs and possession of cocaine.

Later in 2008, GPD Officer Gary Pignato was accused of compelling sexual favors from a woman on August 24-25, 2008 in exchange for not reporting a possible violation of the terms of her probation to her probation officer. As a result of a criminal investigation by the New York State Police and Monroe County District Attorney’s Office and Grand Jury proceedings, at which several members of the GPD testified, Pignato was indicted for bribery, coercion and official misconduct.

These serious charges of criminal misconduct and subsequent allegations that Chief of Police Merritt Rahn had intentionally impeded the criminal investigation into the Joseph incident and other complaints from GPD personnel and Town citizens that Chief Rahn had otherwise failed to take appropriate action to discharge his duties, the Town of Greece made a decision to employ an outside law enforcement expert with an extensive background in internal affairs to investigate these incidents and complaints.

Following a search for a qualified investigator, the Town of Greece resolved on

April 22, 2009 to employ retired New York State Police Colonel Joseph Loszynski, a former Deputy Superintendent of the New York State Police and the former officer-in-charge of its Internal Affairs Bureau (“IAB”), as its Director of Public Safety and head of the Town’s Public Safety Department (“PSD”). In order to carry out this extensive investigation and audit, the Town of Greece also agreed to employ several retired New York State Police commissioned officers and investigators with extensive criminal investigation and IAB experience to assist Director Loszynski and to serve as PSD Investigators. The PSD further grew to add two respected current members of the GPD. Summaries of the professional qualifications of Director Loszynski and the members of the PSD investigative team are annexed as Appendix I and II respectively.

On April 24, 2009, shortly prior to Director Loszynski’s physical arrival in Greece, the Monroe County District Attorney’s Office subpoenaed certain personnel records from the GPD. On Saturday, April 25, 2009, two senior members of the GPD and a subordinate GPD officer unexpectedly appeared in their office spaces at GPD headquarters. Shortly after the subordinate officer left, the sound of document shredding could be heard by other GPD police officers working in the headquarters building. Those officers promptly reported their suspicion of illegal document destruction. Members of the New York State Police responded, secured the offices of the senior members and collected evidence of recent shredding. Following this incident, the three GPD officers who were suspected of having been involved in the shredding incident were suspended and GPD Lieutenant Brian Uhrmacher was appointed Acting Chief of Police.

Upon his arrival in the Town of Greece on April 27, 2009, Director Loszynski immediately began to investigate the recent allegation that subpoenaed records were intentionally destroyed by senior members of the GPD so as to impede an ongoing

investigation. Director Loszynski also determined that comprehensive internal investigations of Sergeant Joseph, Officer Pignato and the senior members of the GPD had not yet been initiated and he immediately began to open those investigations and process relevant leads. In addition, Director Loszynski and his PSD Investigators collected and processed numerous leads into other allegations of GPD misconduct.

The PSD offices were established in the Town Hall, which served as the base of operations for the entire investigation. Necessary logistical and administrative support was made available by Town officials, which proved to be a tremendous asset during the course of the investigation, audit and dozens of background investigations. A stenographer was provided to record and transcribe compelled statements and hearing testimony in real time, which aided the investigative effort. A team of legal advisors, including labor counsel experienced in police discipline matters, was assigned to this case due to the highly sensitive nature of the allegations and the potential need for discipline and adverse administrative action if allegations of misconduct and derelictions of duty were substantiated.

2. Scope of Investigation and Audit

Consistent with the best practices pertaining to the conduct of an internal investigation and audit of a law enforcement agency, Director Loszynski undertook to conduct a thorough investigation of the known misconduct detailed above as well as allegations of related and unrelated misconduct, which were generated from investigative leads. In addition, Director Loszynski conducted systematic audits of the GPD to measure operational effectiveness and efficiency, assess leadership traits, identify best practices and assign accountability when deficiencies were noted.

In this investigation, “no stone was left unturned”. The scope and breadth established for this internal investigation included all reported or suspected violations of GPD Rules and Regulations, GPD General Orders, and any identified potential criminal conduct or significant dereliction of duty. All allegations of wrongdoing were investigated, documented and disposed of in accordance with accepted best practices for the conduct of internal investigations. The PSD investigation employed a “due process” methodology in which every officer was afforded an opportunity to provide his explanation of events.

In those cases involving an aspect of alleged criminal misconduct, the PSD timely shared details of the misconduct with the Monroe County District Attorney’s Office, provided that the exchange of information did not in any way violate federal or state laws which prohibited the sharing of compelled statements. The timely sharing of this information allowed the Monroe County District Attorney to successfully indict and/or prosecute members of the GPD for serious criminal misconduct.

3. Results of the Investigation

During the course of this comprehensive investigation, PSD Investigators collected and pursued 832 leads and investigated 38 separate allegations of misconduct, 10 of which involved questionable expenses incurred by department members for travel which was reimbursed by the Town of Greece. The integral details of these internal cases cannot be disclosed because particular cases involve on-going internal discipline proceedings; the information is prohibited from disclosure under the New York State Civil Rights Law; specific matters have been referred to Monroe County District Attorney's Office for their consideration; and/or some cases resulted in a finding that

either exonerated the member or established that no violation of law or breach of duty occurred, so as to afford the member a reasonable expectation of privacy.

The brief summaries that will follow do in most instances allege a disturbing range of misconduct and derelictions committed by a few GPD officers. Some incidents involve allegations of corruption and direct interference with official police business. Other incidents involve allegations of criminal conduct. Most summaries involve substantiated violations of department Rules, Regulations and General Orders.

Many of the 38 separate incidents investigated by the PSD Investigators have either resulted in administrative discipline proceedings, some of which are on-going or are pending other reviews to determine if further action is necessary. Due to legal or contractual reasons, administrative discipline proceedings were not possible in all cases. Some officers have chosen to retire prior to facing discipline, which terminated those proceedings. As a result, and due to privacy concerns, the actual identity of individual officers in all these reported cases has been protected.

Despite the serious nature of the misconduct and the adverse effects these acts had on the GPD and Town, the number of implicated GPD personnel was relatively few. The vast majority of GPD personnel, sworn and non-sworn, were and remain dedicated to their chosen profession of serving and protecting the people of the Town of Greece.

4. Results of the Audit

In addition, based on the results of the internal investigations and initial inventory checks, Director Loszynski assessed nine vulnerable areas of GPD operations:

- Criminal Investigation Division – Operations
- Evidence Procedures and Accountability
- Missing Evidence, Physical Inventory of Property Room

- Personnel Complaint System and Internal Affairs Unit
- Monitoring, Approval and Use of Overtime
- Department Travel and Reimbursable Expenses
- Police Candidate Selection and Background Investigation Process
- Military Surplus Program
- Reimbursable Expenses

5. Recommendations

As a result of this investigation and audit, Director Loszynski made recommendations with respect to the following areas of GPD operations:

- Criminal Investigation Division
- Evidence Considerations
- Internal Affairs Function
- Travel Considerations
- Use of Overtime
- Tracking Employee Performance and Conduct
- Personal and Organizational Responsibility

6. Other Accomplishments

In addition to the investigation and audits, Director Loszynski assisted in the following activities:

- Chief of Police Search. Director Loszynski assisted the Town Supervisor and Town Board in the search for a new Chief of Police, which ultimately resulted in the hiring of Chief Todd Baxter. Director Loszynski and PSD Investigators helped coordinate the applications, oversee background investigation of applicants for the Chief position and interview applicants. Director Loszynski and his PSD Investigators conducted a background check on 5 finalist-applicants for the Chief position. Director Loszynski

and PSD Investigators personally expended 435 estimated hours in the selection of Chief Baxter.

- Oversight of the background investigation of applicants for GPD police officer positions. Consistent with best practices for law enforcement background checks, all of the information disclosed by an applicant is validated, all references are interviewed, all former employers are contacted and an investigator will check all available law enforcement sources and data-bases to validate whether the applicant is qualified to serve as a sworn officer. To date, PSD Investigators have conducted background investigations on 30 applicants. As a result of this process, PSD have discovered numerous examples of undisclosed disqualifying misconduct and the GPD has declined 46% of those who applied for GPD positions. This screening has ensured that only the best qualified applicants are considered.
- Litigation Support to the Town Attorneys. Director Loszynski and the PSD Investigators provided countless hours of assistance to Town attorneys with respect to the drafting and review of discipline charges, the suspension of GPD personnel and preparation for and attendance at discipline hearings of those GPD officers who were disciplined for misconduct or incompetence. Director Loszynski, other GPD Investigators and GPD officers have testified for the Town as witnesses in discipline cases. Director Loszynski and PSD Investigators have expended an estimated 144 hours providing this litigation support.

- Litigation Support to the Monroe County District Attorney's Office.

Litigation support to the prosecutor from the PSD and the GPD resulted in the successful prosecution of former Chief Rahn, Sergeant Joseph and Officer Pignato. Director Loszynski and PSD Investigators have expended an estimated 166 hours providing this litigation support.

7. Conclusion

As a result of the efforts of the Town of Greece, the PSD, the GPD, New York State Police and Monroe County District Attorney's Office, several former members of the GPD have been brought to justice. Former Sergeant Joseph and Officer Pignato were eventually convicted of the serious criminal misconduct summarized above and sentenced to lengthy prison terms.

Sergeant Robert Trowbridge has been charged with criminal misconduct arising out of his falsification of the Officer Pignato background investigation and has cooperated with the Monroe County District Attorney's Office.

Former Chief Rahn, who resigned in lieu of proceeding to a discipline hearing, was convicted of misconduct arising out of the falsification of Officer Pignato's background investigation as well as his actions with respect to the hit and run accident caused by former Sergeant Joseph. Rahn was recently sentenced to state prison for his criminal conduct.

Several members of the GPD who were accused of alleged misconduct or derelictions arising out of charges of misconduct or derelictions have either chosen to retire, which terminated pending discipline proceedings, or have been disciplined. The Town is currently involved in administrative hearings associated with that discipline.

In order to examine a number of allegations of serious misconduct committed by

a few GPD personnel, Town Supervisor Auberger and the Town Board authorized a comprehensive investigation into the misconduct and an audit of the then operations of the GPD. By necessity, the investigation was lengthy, expensive and widely reported. However, despite extensive media coverage and the unavoidable turmoil that the investigation created, the remaining sworn and non-sworn members of the GPD, under the professional guidance of Acting Police Chief Brian Uhrmacher, carried on and performed their daily duties admirably. The removal of several senior members of the GPD allowed Town police officers to again properly discharge their duties as others routinely do across New York State. As a result, officer morale improved and pride returned as time went on.

The spot audits disclosed numerous operational, administrative and record keeping deficiencies. Although these problems within the GPD were serious, many changes have been accomplished and others are ready to be implemented. Some of the reforms will be difficult. While many policies and procedures will be added or amended, all will be enforced.

- An Internal Affairs unit will be established, and policy will require that all complaints against personnel are properly investigated;
- Audits of the various sections will be conducted on a regular basis, and members and supervisors will be held accountable;
- Access to evidence will be limited to those who need it, not given to those who want it;
- A new case management system is being put into place, which will ensure that all cases are adopted and properly investigated;
- All new police officers will be subject to a complete and thorough

background investigation, which will include a polygraph examination, psychological evaluation and a drug test; and

- The department will monitor overtime and expenses more closely.

Some of these changes will require that additional GPD officers be added to support the expanded Criminal Investigation Division, the proposed Internal Affairs Unit and the officers responsible for conducting background checks. As such, it is recommended that the GPD's authorized strength be increased and new qualified officers be hired.

The vast majority of GPD sworn and unsworn members are solidly behind the need for this positive change and these recommendations. Under the leadership of newly appointed Chief Todd Baxter, and with the support of the Town Board, there is no doubt the new Greece Police Department has and will continue to regain the trust and confidence of the public, and will once again be respected as a premier law enforcement agency in Monroe County and beyond.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph F. Loszynski", with a long, sweeping horizontal line extending to the right.

Joseph F. Loszynski
Director of Public Safety

ALLEGATIONS INVESTIGATED BY PUBLIC SAFETY DIRECTOR

Allegation #1: That GPD Personnel wrongly shredded subpoenaed documents at GPD headquarters.

Findings: The internal investigation substantiated that official business records of the GPD had been shredded. While there was insufficient evidence to support criminal charges, there is evidence that two GPD members violated the Rules, Regulations and General Orders of the GPD.

Allegation #2: That, following a motor vehicle accident (MVA) involving an off-duty GPD officer, a senior GPD officer attempted to cover up the officer's involvement and failed to take appropriate action. It was further alleged that a GPD supervisor was negligent in how he investigated this MVA.

Findings: The internal investigation substantiated that the senior GPD officer covered up the MVA, a criminal act, and failed to take appropriate action. The investigation also substantiated that the GPD supervisor failed to properly investigate the MVA. The actions of the two GPD members violated Rules, Regulations and General Orders of the GPD.

Allegation #3: That a senior GPD officer allegedly had his issued GPD service weapon stolen from his unlocked patrol vehicle which was parked at his residence.

Findings: The internal investigation established that the weapon was stolen as alleged; that the senior GPD officer failed to timely report the incident; and that he falsified an internal record pertaining to the circumstances of this theft. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #4: That an accidental death resulting from a fatal MVA was not properly investigated by GPD.

Findings: The internal investigation substantiated that the MVA was not properly investigated which, in part, prevented a manslaughter prosecution of the operator who caused the fatal MVA. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #5: That a senior GPD officer obstructed the investigation of a homicide by immediately ruling the incident an act of self-defense, by preventing the interrogation of the suspect and by handing the suspect a cell phone with the senior GPD officer's personal attorney already on the line.

Findings: The internal investigation substantiated findings that the senior GPD officer obstructed the criminal investigation as alleged. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #6: That a senior GPD officer interfered with a GPD response to a burglary by ordering a subordinate to leave the crime scene and help him with a personal matter in another part of the Town.

Findings: The internal investigation substantiated the allegation that the senior GPD officer abused his position for personal gain. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #7: That a senior GPD officer and a subordinate attempted to obstruct GPD's re-accreditation for the department.

Findings: The internal investigation substantiated that both GPD members took actions to obstruct the re-accreditation process, resulting in a temporary non-compliance. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #8: That a home invasion incident was mishandled by responding GPD members, resulting in no criminal prosecution of the perpetrators and the loss of illegal drugs which were seized at the scene.

Findings: The internal investigation of this matter determined that the criminal investigation into the home intrusion was mishandled and that the drugs seized from the residence were lost while in custody. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #9: That two GPD officers used an official vehicle for an out-of-state personal trip and one used a Town credit card to purchase gas for that trip.

Findings: The internal investigation into this allegation established the allegation of wrongful use of Town property for personal gain. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #10: That a senior GPD officer was performing outside employment while on duty and in uniform.

Findings: The internal investigation substantiated the allegations of outside employment while on duty and in uniform. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #11: That a senior GPD officer and his subordinate used an official police vehicle to make an out-of-state trip for personal business, possibly on duty time.

Findings: The internal investigation established that the trip occurred as alleged. While it was not conclusively established that the trip occurred while the two were on duty, the action of both members violated the Rules, Regulations and General Orders of the GPD.

Allegation #12: That a GPD member falsified a background investigation at the request of a senior GPD officer on an applicant.

Findings: The internal investigation substantiated that the background investigation was falsified in several material respects. The actions of both GPD members were criminal and violated the Rules, Regulations and General Orders of the GPD.

Allegation #13: That a second GPD member falsified and/or conducted an incomplete background investigation on another applicant.

Findings: The internal investigation substantiated that the background investigation was false and/or incomplete in several material respects. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #14: That a senior GPD officer and his subordinate, submitted false affidavits in connection with a civil lawsuit.

Findings: The internal investigation into this matter substantiated that both members intentionally misrepresented the facts of a particular incident. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #15: That responding members of the GPD mishandled an investigation into a MVA involving an off-duty GPD officer.

Findings: The internal investigation into this matter unequivocally showed that members of the GPD handled the MVA investigation properly and professionally. There were no violations of Rules, Regulations and General Orders of the GPD.

Allegation #16: That a senior GPD officer wrongly intervened on a criminal investigation in which it was alleged that the reporting civilian was fabricating the crime for insurance purposes.

Findings: After numerous leads and dozens of interviews there was no evidence to substantiate the allegation as reported.

Allegation #17: That three (3) containers of pills, a controlled substance, seized as evidence following a fatal MVA, went missing and unaccounted for while in custody.

Findings: The internal investigation substantiated that the evidence was lost while in GPD custody and found a lack of oversight and supervision of the property rooms. The loss of evidence and failure to supervise the property rooms violated the Rules, Regulations and General Orders of the GPD.

Allegation #18: That GPD's response to a drowning incident and the following investigation was inadequate.

Findings: The internal investigation substantiated that the initial response by GPD and resultant investigation were inadequate. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #19: That GPD leadership failed to adequately, consistently and properly investigate allegations of wrongdoing by GPD personnel.

Findings: The internal investigation and the analysis of prior internal affairs matters substantiated that personnel complaints were not properly investigated, supervised, recorded or monitored.

Allegation #20: That a senior GPD officer improperly intimidated two supervisors.

Findings: While the internal investigation into this allegation produced some information that might suggest unusual and aggressive supervisory techniques, the internal investigation could not conclude that these two supervisors were being targeted by the senior GPD officer or the subject of illegal actions.

Allegation #21: That there was a systemic abuse of the overtime program by some members of the GPD.

Findings: The internal investigation substantiated that overtime was subject to abuse with little or no oversight.

Allegation #22: That a senior GPD officer provided false testimony in an out-of-state civil court proceeding.

Findings: The internal investigation substantiated the allegation. These actions violated the Rules, Regulations and General Orders of the GPD.

Allegation #23: That a senior GPD officer purchased two recording devices with Town monies and altered the invoice to disguise the nature of the purchase. It was further alleged the Town property remains unaccounted for.

Findings: The internal investigation substantiated the allegation and the location of the Town property remains unknown. These actions did violate Rules, Regulations and General Orders of the GPD.

Allegation #24: That a senior GPD officer failed to comply with the conditions stipulated in a Memorandum of Understanding (MOU) pertaining to GPD's participation in a military surplus program with respect to accountability, usage and disposition of the property acquired under this program.

Findings: The internal investigation substantiated deviations from the MOU with respect to acquisition, use and disposition of the military surplus property. Numerous items could not be located or accounted for due to the lack of appropriate recordkeeping. These actions violated the conditions of the MOU and certain Rules, Regulations and General Orders of the GPD.

Allegation #25: That the Monroe County District Attorneys Office reported that a piece of evidence relating to a pending criminal prosecution could not be located by the GPD property room clerk.

Findings: The internal investigation substantiated that the evidence in question was destroyed by mistake and without permission from District Attorney's office or the arresting officer. These actions violated Rules, Regulations and General Orders of the GPD.

Allegation #26: That a senior GPD officer wrongly orchestrated the arrest and incarceration of a man who had dated the girlfriend of a GPD officer.

Findings: The internal investigation determined that the arrest was justified and proper under the New York State Penal Law and there was no misconduct on the part of any member of the Greece Police Department.

Allegation #27: That the details of an alleged *quid pro quo* arrangement between a GPD officer and a female was received by GPD leadership and was not timely shared with the investigators assigned by the Monroe County District Attorneys Office.

Findings: The internal investigation established that in this particular instance, when senior GPD officers were apprised by another department regarding this matter, relevant information and details were relayed immediately by GPD leadership to the lead agency which was coordinating all incoming criminal complaints against the GPD officer-suspect. This particular complaint was handled properly, expeditiously and within established protocols for sensitive cases of this nature. No wrongdoing was established on the part of GPD leadership with respect to this one complaint.

OPERATION PROCEDURAL SPOT AUDIT

The four week spot audit revealed that there were no internal controls or systems in place to verify and measure a member's performance and productivity, the quality of service being provided, checks and balances on vulnerable assets and other measures to ensure that adequate importance was being placed on individual and organizational accountability. An analysis and evaluation of the police department from an internal control perspective revealed that the police agency had no internal inspection program or process that measures the quality of services provided to the people of the Town of Greece. A patrol officer could be derelict in his/her duties and no internal avenues existed to identify the sub-marginal performance. There was no system to ensure compliance with internal orders and directives. An unsatisfied citizen could lodge a complaint, but there was no reliable process in place to investigate the matter. No random checks with external customers were conducted to confirm the level of service provided by GPD officers. Further, there were no citizen satisfaction surveys to gauge how timely the response was by the officer, the professionalism of the officer during the citizen interaction or the effectiveness of GPD officers when handling service calls and complaints.

During the thirty-eight internal investigations, the Director of Public Safety found that a minimum of nine operational and administrative areas needed to be addressed immediately. It was paramount to determine the depth and scope of the problems and to distinguish between those involving non-feasance by officers and those reflecting system or process failures. As suspected, the investigations painted a clear picture of an organization with little oversight and accountability. This was very problematic as the

agency and the public were left vulnerable and exposed. The Director of Public Safety tasked six internal auditors to assess these vulnerable areas, issue a comprehensive report identifying weaknesses and to make recommendations for change.

These recommendations provide a course of action consistent with “best practices” developed over time to solve similar problems in the law enforcement field. Each of the nine areas is fully discussed in the following pages of this report, with a full explanation of the problem, how each developed and what remedial action will take place to rectify it.

NINE VULNERABLE AREAS ASSESSED BY THE AUDITORS

Criminal Investigation Division - Operations

The audit of CID examined various administrative functions. Key areas that were identified included case adoption, case management and case records filing; as well as the oversight of criminal investigations. It was discovered that the department did not have any guidelines in place for administering a criminal investigation unit. The problems were so serious that neither the patrol nor criminal division had a clear understanding as to what cases required investigation and control by the criminal division. It literally varied from one CID commander to the next.

The audit findings explain how several serious cases never reached the criminal investigation division after initially being handled by the uniform patrol. Auditors recommended the institution of a well researched and thoroughly considered case adoption procedure for the criminal division. These recommendations will be incorporated into the GPD General Orders for all department members to comply with. This schedule will provide every supervisor and subordinate with a detailed outline of cases that are the responsibility of the patrol division and those cases that are to be immediately adopted by the criminal division. A new filing and indexing system was recommended and is in the process of being designed and implemented.

Recommendations have been made to increase staffing in CID, in both investigative and supervisory positions. These improvements will assist the new CID commander and allow for more efficient and effective management of this unit. Individual discretion will be minimized to facilitate more consistency on case adoption. These new standards will undoubtedly facilitate a smoother transition of investigations

from patrol to CID, provide for a more timely response and intervention by CID, and will promote consistency and uniformity with this vital function of the department. A more efficient and effective CID will enable members of the department to better respond to the victims of serious crimes in the Town of Greece.

Evidence Procedures and Accountability

The evidence and property section is responsible for the receipt, storage, transfer and destruction of evidence that comes into its custody. This section must safeguard all evidence and keep an accurate accounting for each piece of evidence. A number of internal investigations substantiated instances of improper handling of evidence by department members. The Director of Public Safety had been advised by the Monroe County District Attorney that the Greece Police had been unable to locate a piece of evidence that was needed for prosecution. As a result, investigators were assigned to conduct a complete audit of this section.

PSD Investigators inspected the following areas: property room accessibility; property room security; safe deposit box procedures; general evidence packaging, retention and destruction; evidence retention on homicide cases; retention and destruction of drugs and firearms; retention of currency; latent fingerprint evidence; property custody reports; frequency of inventories and inspections, and the overall administration of the evidence and property rooms.

This audit determined that most areas were deficient. The accessibility to the evidence/property rooms was properly limited to the few employees with a need for access. The property room was secure. Despite this security, evidence was not properly accounted for. A preliminary review of evidence destruction records revealed that there was no consistent destruction schedule for drugs or any other physical evidence. Large volumes of drug evidence were found awaiting destruction, some for up to ten years. Some of this evidence could not be matched to any specific case. The outbuilding where old drug evidence was kept was separated from a general maintenance equipment room by only a consumer grade wire fence. Drug and other evidence were improperly stored in

the secondary storage facilities where it was subject to compromise due to lack of climate control and the overall poor condition of the storage facility. Marijuana evidence was readily observed from the general access area. Evidence was observed packaged in such a manner that evidence preservation became a concern on the part of the auditors. The steel pole building was easily penetrated and rodents had made use of specific areas of this storage facility.

Latent fingerprints were examined and the auditors could not discern the value of each fingerprint due to poor labeling and poor file maintenance, a condition brought on in part through lack of supervisory review. An inspection of randomly selected fingerprint cases did not produce sufficient information to allow investigators to make a determination as to the value of the prints to any particular case. In a further review of these cases, investigators were unable to determine if the GPD performed comparison work against known suspect fingerprints or against the Statewide Automated Fingerprint Indexing System (SAFIS), the database maintained by DCJS.

Other areas including homicide evidence retention, firearm retention and destruction and currency retention policies were found lacking. The items in the department's safe deposit box had not been inventoried in years. This audit also determined that there were no records to document the last time an inventory of evidence had been conducted or even status of each item retained. Numerous areas were documented as needing to be improved, changed or re-structured in order to get them into compliance with current standards for evidence storage and safekeeping.

Recommendations and/or instructions have been issued on each discrepancy, system or program that was considered unsatisfactory and required corrective action. The recommendations and/or instructions have either been complied with or are in the process

of being accomplished.

The results of the actual inventory of evidence under the control of the GPD were alarming. This is addressed separately in this report.

Missing Evidence

Physical Inventory of Property Room

The evidence procedure and accountability audit also included a complete inventory of all property under the control of the police department. A trusted ranking member of the GPD was assigned to conduct this inventory, under the oversight and supervision of the director's detail. This inventory identified three cases where evidence was missing or improperly destroyed.

The first case involved drug evidence that was seized during the course of a Burglary 1st Degree/Assault 2nd Degree investigation. The evidence consisted of fifteen small marijuana plants and a quantity of hallucinogenic mushrooms. A review of the Property Custody Report (PCR) and interview of the Assistant Property Room Clerk reflected that the marijuana and mushrooms were properly logged into evidence and stored in the drug evidence cabinet. The inventory of the property room revealed that the evidence was unaccounted for. Investigators were not able to establish whether the evidence was stolen, lost, or inadvertently or intentionally destroyed.

The second case of missing drug evidence involved three missing pill containers that were seized during a fatal motor vehicle accident investigation. Public safety investigators substantiated that evidence in the Property Room was not properly maintained, controlled or supervised. It remains unknown when this evidence first became missing, and it remains unaccounted for.

A third case involved the improper destruction of a stun gun from an investigation of Criminal Possession of a Weapon 4th Degree. A property room clerk admitted that he had destroyed the stun gun by smashing it with a hammer. He claimed this was done just prior to being contacted by the Monroe County District Attorneys Office. Investigators

discovered that the "Destroy Date" line was blank on both the original Property Custody Report (PCR) on file and the PCR copy located in the case folder. The property room clerk admitted that he had pulled the copy of the PCR from the case folder, made a photocopy, filled in the "Destroy Date" line and faxed same to the District Attorneys Office after the District Attorney was asking for the evidence. He could offer no reasonable explanation for these actions.

Based on the results of this investigation, it is alleged that the stun gun was improperly destroyed and the PCR was not properly filled out at the time of destruction. These two acts are further aggravated by the fact that this evidence was being held for a prosecution.

The evidence responsibilities and the physical operation of the property rooms were later assigned to a sworn patrol member of the GPD. The current staffing of the evidence room is inadequate as the civilian assistant is only a part-time employee. It should be noted that both the newly assigned sworn member as well as the assistant property room clerk have done a commendable job in restructuring the entire property room operation.

Instructions and recommendations have been issued on each discrepancy, system or program that was considered unsatisfactory. The property room clerk, who was in-charge of all evidence when these derelictions occurred, has resigned from Town employment. A sworn officer has assumed the responsibilities of all evidence receiving, storage, transfer and destruction. This officer and his immediate supervisor have been charged with making the necessary changes and corrections to this section. A number of measures have been taken to correct most of the identified discrepancies, with other corrections expected in the foreseeable future. It has been further recommended that the

part-time civilian position in the property room be made full-time to assist with the management of the evidence room.

Personnel Complaint System and Internal Affairs Function

Auditors examined the current personnel complaint system and the internal affairs function. They discovered that there were no acceptable guidelines in place for accepting or documenting complaints, a poor delineation as to case adoption responsibility and no clear direction which determines the level of investigation that should be conducted. No databases existed to track or monitor use of force complaints, discharge of firearms, injury to prisoners, alleged domestic abuse, abuse of sick leave and other areas that require constant oversight from one year to the next. The review and assessment of the personnel complaint process revealed a system riddled with ambiguous instructions, insufficient guidance, poor record keeping, repeated abuses and non-compliance with existing instructions and a total lack of consistency from one complaint to the next. The GPD internal affairs system was ineffective, without oversight and failed to provide the means necessary to hold employees accountable for misconduct.

The former chief of police retained sole custody of all internal affairs files and all information had to be hand searched by auditors. It was discovered that the personnel complaint log had entries that were crossed out, incomplete and some where no associated investigative report could be found. There was no system in place to record dispositions of disciplinary matters. Any personnel complaint system must include a reliable method to record and track the number and types of complaints, the level of investigation conducted, the severity of transgression, how the matter was closed and the level of discipline. Only with such a system and with a regular review of complaints and their dispositions can one be assured that the complainant and the alleged transgressor are treated in a fair and equitable manner. Expectations on matters involving personnel complaints must be clear throughout the organization and every employee must know

exactly what is expected in these matters that deal with the integrity and credibility of each employee and the department as a whole.

The GPD personnel complaint system had such significant weaknesses and shortcomings that its use was discontinued and instructions were issued to institute a new system as soon as possible. Preferential treatment and selective enforcement on personnel matters was rampant. This not only corrupted the very process intended to ensure integrity and personal accountability of the rank and file but has undermined the core values and principles necessary for a law enforcement agency to be trusted and respected. A much different response to internal affairs matters was required and necessary to uphold the tenets of the acceptable rules of conduct and expectations of performance. As this evaluation points out numerous times in this report, the GPD is in dire need of a dedicated and independent team of officers assigned to protect the integrity and reputation of the department. No police department this size should be without an internal affairs section to conduct prompt and comprehensive investigations of all allegations of misconduct by its members. Internal affairs officers ensure consistency on internal complaints, methodology of investigation, continuous oversight and standardized reporting. These independent integrity officers provide built in assurances that the confidentiality of any case is protected and reports are timely submitted for classification and adjudication. The recommendation to create an Internal Affairs Unit is further elaborated on in the best practice/ recommendations section of this report.

Monitoring, Approval and Use of Overtime

The audit and review of overtime usage and the oversight of this program revealed little structure, inadequate oversight, misuse and abuse, and insufficient verification. A general atmosphere and attitude existed where overtime management, close oversight and verification was deemed not to be necessary. Upper level GPD management did not monitor the use of overtime. This laissez-faire attitude provided fertile ground for abuses and the abuses were pervasive. Some members worked overtime as if it were a job entitlement, working overtime hours whenever they desired, often on matters where overtime could not be justified. Others simply defrauded the Town by claiming overtime hours when they in fact did not work the overtime. Some supervisors within the Department tried to deal with these abuses only to be circumvented or overruled by a superior. This malfeasance was very accurately described by one officer as a “free-for-all”, inferring there was little or no oversight concerning the use of overtime.

Immediate measures have been put in place to properly manage the overtime program. A new general order was created to place responsibility on the person incurring overtime and on the supervisors approving it. New protocols have been established which describe how to obtain approval for overtime, what the approving supervisor must do to ensure the request is justified, and the documentation that is necessary in order to get compensated for the overtime incurred. This will be further discussed in the best practices and recommendations section of this report.

Department Travel and Reimbursable Expenses

The audit of departmental travel and associated reimbursable expenses produced numerous questionable expenditures on hotels, upgrading hotel rooms, airline tickets, rental cars, registration fees and hospitality rooms for meetings and conferences that were portrayed as job related. The review of hundreds of documents that spanned a six year period identified nine trips in which it is alleged that members of the department engaged in fraudulent conduct.

The alleged frauds included: claiming work hours when they were not working; giving away airfare paid by the town; charging for unjustified hotel expenses and upgrades; unauthorized charges for hospitality rooms; charging for rental cars on non-work days; inflating meal expenses; and claiming meal expenses that were previously reimbursed by another agency. Many of these cases have been referred to the Monroe County District Attorneys Office for their review, further investigation if warranted, and possible Grand Jury presentation.

The auditors had an opportunity to review and evaluate the town's internal procedures concerning business travel, including the process to verify and pay expenses. Approvals often were given and payments made without an independent review of related documents or other financial verification, based only on the perceived honesty of the requestor. There were instances when department members would submit a request to attend a conference or training, but not include any official documentation to identify the conference or training seminar, dates, locations or other particulars. It was a norm rather than exception that police department members were not required to verify their attendance prior to receiving reimbursement from the town.

Based on the results of the audit, it is alleged that several GPD officers

misrepresented the length of conferences, departed several days before the start of the conference for personal leisure time and then subsequently claimed either part of or the entire period as work time, which resulted in a fraud against the Town. In almost every instance where members obtained funds for which they were not entitled, it is alleged that they also submitted false vouchers, receipts or some other form of fraudulent support documentation.

As a result of the discovery of these alleged fraudulent activities, coupled with poor financial practices and oversight, new procedures have been put in place to prevent a recurrence and to discourage any further attempts to defraud the Town of Greece. Henceforth, when a department member has an interest to attend training, a conference or seminar, a justification memorandum must now be submitted by the immediate supervisor of the requesting member. All requests for out-of-state travel, and requests to attend any meeting, training, conference or seminar involving reimbursable expenses, must now be approved by the chief of police prior to submission to the Director of Finance. All vouchers submitted for reimbursement must have proof of attendance accompanying the voucher package, along with previously required receipts and documentation. No reimbursements will occur if the proof of attendance is not obtained from the event sponsor. Other recommendations include changes to the actual request form and minor process changes to help users obtain approval and reimbursement. The audit team is confident that strict compliance of travel and reimbursement regulations will eliminate future instances of fraud. It has been further recommended to the Town Supervisor that this area be subject of a re-audit within a 12-18 month period, by an external auditor to ensure one hundred percent compliance.

Police Candidate Selection and Background Investigation Process

A fundamental tenet for organizations is that the future begins with those it chooses to hire. Law enforcement is no exception. As a guardian for society, the police have earned and have been awarded a special trust from the public. That trust brings special responsibility. As such, police departments can and do demand that police applicants meet certain standards prior to joining the ranks as a sworn officer. As such, police departments routinely conduct thorough background investigations on potential employees to ensure they have the necessary qualifications, character and integrity prior to being placed in such a position of trust.

This aspect of Greece Police Department operations received tremendous attention and publicity due to the internal corruption that existed during the background investigations of former officers Gary Pignato and another GPD officer who has since been convicted of a crime. Though background investigations are not criminal investigations, they are serious investigations nonetheless. The falsification of background investigations can be destructive to any department. There is a direct correlation to a poor hiring choice and future personnel trouble in a department. Whether a bad hiring choice is the result of cronyism, corruption or fraud, the result can be demoralizing to the rank and file. The pride and inner strength of a department can be crushed when the leadership demonstrates that it is willing to subvert the process by substituting personal gain or favoritism for professional obligation. This abuse of authority very seldom is reconciled or remedied without major implications or negative collateral fallout. The hiring process in the cases of Gary Pignato and the other GPD officer, both of whom transferred from local police departments with adverse employment histories, and both of whom were later convicted for criminal misconduct

while employed by the Town, is evidence that major corrections were needed in the hiring process.

Due to these developments, it was clear to the Director of Public Safety and the audit team that the entire process, from receipt of an application for employment to Town Board approval for hiring, needed to be thoroughly examined. The auditors were tasked to complete this review and to make recommendations for immediate change to improve the process and to develop a blueprint for the future. This overview dissected every aspect of the process, including the governing state and local laws, the personal history questionnaire completed by applicants, the different disciplines – polygraph and psychological evaluations - used to determine the suitability of the candidate, a review of the police department role in the process, the review process by town officials and the current methodology used by the department to conduct these types of investigations.

The auditors drew a conclusion that was disturbing. First and foremost, the background investigations that were conducted by the department were generally shallow and not within the standard expected in the law enforcement community. Background investigations should be comprehensive and detailed. Professional law enforcement agencies also ensure that assigned investigators have been trained to conduct such a background investigation. However, senior GPD officers did not see this as necessary and assigned officers who had no formal training or experience in this type of investigation. In some instances, background investigations were assigned on the basis of relationships rather than expertise. In the case of Gary Pignato, a case over which a senior GPD officer wanted to exert influence and control, he assigned a specific member from whom he could ensure certain outcomes.

There were times when an assigned supervisor would conduct a conscientious and

thorough investigation, substantiate derogatory information and make a recommendation to reject the candidate from further consideration. This often would be the last background investigation assigned to that investigating member.

The audit found that senior GPD officers would generally conduct only a cursory review or none at all, of submitted background investigations. A review of completed background investigations by PSD Investigators revealed that many were inadequate or even incomplete. Unfortunately, Town officials placed an inordinate amount of trust and credence on the information coming from the GPD relative to the background investigations and recommendations from the senior GPD officers. This resulted in the hiring of some less than qualified candidates.

During the corrective phase of this program, numerous changes were made to the personal history questionnaire and all the sequential steps of the process. A new blueprint was created which clearly defined the protocol for a background investigation. These procedures have been documented and will be incorporated into a general order for the GPD. Further discussion will take place in the recommendations section of this report as it concerns the establishment of a Background Investigation Unit.

The Monroe County Sheriff's Department was conducting the backgrounds for the GPD when this audit was commenced. This transfer of responsibility from the GPD to the Sheriff's Department was meant to be temporary and the practice was discontinued when the Director of Public Safety assumed control of the background investigation process and partial oversight of the overall selection process. As of the date of this report, background investigations have been conducted on 30 entry level candidates and on the four finalists during the selection process for Chief of Police. Of the 30 entry level applicants, twelve were either rejected or declined further consideration and two

candidates withdrew for personal or medical reasons. The professionalism displayed and the thoroughness of these investigations resulted in very positive comments from the candidates, government officials, participants in the criminal justice system and citizens living throughout the Greater Rochester Area. A solid foundation for background investigations is in place for the new administration at the police department.

Military Surplus Program

A senior GPD officer signed a memorandum of understanding with the New York State Division of Criminal Justice Services (DCJS) to participate in the Federal Excess Property Program. Participation in this program, operated under stringent guidelines from the federal government and administered by DCJS, allowed the Greece Police Department to access, acquire and use certain property made available to law enforcement agencies. Examples of guidelines under this program are that property must be used for bona fide law enforcement purposes, must be put in service for a minimum of one year, the receiving agency must maintain an inventory and accountability record and any change in use, including destruction, must be preapproved. The senior GPD officer agreed to follow the guidelines.

Some of the items obtained included motor vehicles, generators, clothing, office equipment, portable buildings, computers, radios and night vision goggles. In addition to inventory and accountability records required under this program, the Town of Greece has similar inventory control regulations. These regulations require that all vehicles, computers and most items with a value in excess of five hundred dollars be accounted for, placed on inventory and verified annually.

The fifty five night vision goggles received under the program had a declared value of \$506,000 (\$9,200 each) and none have ever appeared on a Town inventory report. A supervisor addressed this issue with a senior GPD officer on several occasions and expressed his concern over proper inventory and distribution of these goggles, to no avail. This supervisor was also concerned that items were issued outside the department. At one point, the senior GPD officer directed this supervisor to assign twenty pair of goggles to his office. The supervisor complied with this directive. In order to comply

with program standards, and to maintain a record of custody, the supervisor asked the senior GPD officer to sign a receipt for the items. The senior GPD officer refused to sign the receipt. PSD Investigators were able to determine that these goggles were provided to other law enforcement agencies by the senior GPD officer. Though the senior GPD officer obtained receipts for some of these goggles and many were recovered by investigators, his disbursing of this property was clearly outside the guidelines of the program.

The purchasing agent for the police department, who also keeps inventory records, was not able to locate any records for the items obtained through the program. As best can be determined, no official inventory or accountability records have been kept as required on any items. This includes the computers obtained under the program.

Investigators were able to determine that many other items were disbursed without any accountability. Though the GPD special weapons and tactics team (SWAT) had a bona fide need for uniforms, cold weather footwear and outerwear, these items were simply placed on a table for employees of another town department to choose. No records were kept and only a select number of police officers received any for their use. Most of the computers and computer equipment were not compatible with town systems. They were never used, no inventory was made and the whereabouts of this equipment is unknown. The Town highway department did receive the vehicles and the generators, without the senior GPD officers requesting authorization from program administrators. This department did maintain records. One vehicle remains in service and six have been auctioned, with funds returned to the Town. All but one generator is accounted for. Investigators reconstructed the distribution of the night vision goggles. Many were given to other local and state agencies. All but four of the fifty five pair have been accounted

for, but the whereabouts of the remaining goggles are unknown.

This is a sample of items the GPD received under this program. Others such as a radio tower, were of no use to the agency, and were transferred to Monroe County and simply auctioned. The purpose of the program was not for agencies to acquire and auction items, but to provide useable equipment for state and local law enforcement. The guidelines were precise and transparent.

Little forethought was given to whether the GPD had a use for items that were obtained. Once obtained, no attempt was made to comply with program requirements, despite attempts by some GPD supervisors. The senior GPD officer who had overall responsibility for this program was clear to his subordinates that he was not concerned. No procedure was ever put in place to keep an accurate accounting of these items. No attempt was made to ever report any items that met Town of Greece inventory requirements to the Town of Greece Director of Finance. Under the authority of this senior GPD officer, the manner in which this program was administered is but another example of poor oversight and mismanagement that has plagued the agency since the early days of his administration.

Reimbursable Expenses

As a result of the audit of travel and reimbursable expenses by members of the GPD, numerous examples of questionable expenditures are alleged. The cases are briefly described below.

Incident #1

Audit finding: Two GPD members and a non-sworn employee took a trip to Orlando, Florida to allegedly research appropriate software for the police department. The audit and investigation of the financial transactions associated with this travel could not justify submission of certain expenses for meals, hotels and rental cars for this trip as they were expended on the two days prior to the commencement of the visit with the Orlando Police Department. Unauthorized expenditures of Town funds would be contrary to Town regulations and State law.

Incident #2

Audit finding: A GPD officer's tuition reimbursement for an online college class was reimbursed by the Town using funds from the federal forfeiture equitable sharing/drug money account. The reimbursement was against clear federal guidelines prohibiting use of these funds for tuition reimbursement.

Incident #3

Audit finding: A senior GPD officer traveled to New York City to attend a two day meeting that was sponsored by a State agency. Records show that while the agency paid the senior GPD officer lodging and meal reimbursement on a per diem basis for this trip, he was reimbursed for the same expenses by the Town, contrary to Town regulations and State law.

Incident #4

Audit finding: A senior GPD officer and a subordinate attended a conference in Miami, Florida. The audit determined that the two arrived at the conference four days in advance. While there is no record of any official business being conducted by the two during this period, the subordinate claimed two days of work time during this four day pre-conference period. No attendance verification was obtained for this out of state travel. Falsely claiming pay for time worked would be contrary to Town regulations and State law.

Incident #5

Audit finding: A senior GPD officer and a subordinate submitted travel vouchers for out of state travel to Orlando, Florida to attend a conference. While the investigation associated with this trip showed that the two arrived in Florida three days prior to the start of the conference, there is no documentation to justify pay or expenses for the two GPD members on two of the three days prior to the commencement of the conference. No attendance verification was obtained for this out of state travel. Falsely claiming expenses and pay for time worked would be contrary to Town guidelines and State law.

Incident #6

Audit finding: A senior GPD officer and subordinate attended a conference in New Orleans. While the senior GPD officer's travel and expenses appear to be legitimate, the investigation could not justify the meal expenses claimed by the subordinate officer. No attendance verification was obtained for this out of state travel. Falsely claiming expenses would be contrary to Town regulations and State law.

Incident # 7

Audit finding: A senior GPD officer and two subordinate GPD officers attended a conference in Baltimore, Maryland. The investigation determined that the claimed registration fee was improperly overstated by \$50 per attendee. Other questionable expenses were identified, the most serious of which was the purchase of a one way airfare from Baltimore to Rochester that was not used by a Town employee. No attendance verification was obtained for this out of state travel. Falsely claiming expenses would be contrary to existing Town regulations and State law.

Incident #8

Audit finding: A senior GPD officer and two subordinates attended a conference in Ocean City, Maryland. The investigation has determined that the senior GPD officer directed the two subordinates to arrive two days before the conference commenced and that a senior GPD officer claimed \$150.00 for "hospitality fees", which is an unauthorized expense. No attendance verification was obtained for this out of state travel. Falsely claiming pay or expenses that are not reimbursable would be contrary to Town regulations and the guidelines that are established for the disbursement of funds from the federal forfeiture equitable sharing/drug money account.

Incident #9

Audit finding: A senior GPD officer flew from Rochester to San Diego, California to attend a conference. While the Town reimbursed the senior officer for a “round trip” airfare from Rochester to San Diego, the investigation determined that the senior GPD officer requested reimbursement for an additional “one way” ticket from San Diego to New York City. There are no internal records that provide proof that the senior GPD officer reimbursed the Town for any part of the ticket purchases nor returned any funds associated with a ticket cancellation. No attendance verification was obtained for this out of state travel. Falsely claiming expenses and/or withholding Town funds would be contrary to Town regulations and State law.

Incident #10

Audit finding: A senior GPD officer attended an awards luncheon in New York City which honored a subordinate’s contributions. The investigation determined that the senior GPD officer arrived in New York two days prior to the awards presentation and there appears to be no justification for claimed payment of expenses and wages during this two day period. It was additionally determined that the senior GPD officer upgraded his room for an additional unauthorized charge of \$60/night permitting him access to a private lounge, complimentary breakfast and internet service. Falsely claiming expenses and time worked would be contrary to Town regulations and State law.

RECOMMENDATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

The lengthy internal investigation of the Greece Police Department revealed several significant problem areas and weaknesses within the department. These included numerous operational and administrative shortcomings. The audit that followed assessed those areas and identified where the department and/or the town were vulnerable and which needed correction. The following recommendations are consistent with recognized 'best practices' within law enforcement and set forth a planned strategy to establish necessary policies and standards which when enacted will elevate the operations and practices of the Greece Police Department to the level expected of law enforcement agencies of similar size and demographics.

Criminal Investigation Division

The Criminal Investigation Division, hereafter referred to as CID, is responsible for investigating and handling the most serious crimes reported to the department. Members assigned to CID are continually tasked with closing the most egregious crimes against children, the unthinkable victimization of the elderly, the predatory crimes against females and the taking of a life by an offender that is either known to the victim or is randomly selected by an assailant for reasons that the common man will never understand. This kind of policing is demanding, requires skill and expertise that is not possessed by all police officers, but is necessary in order for a department like Greece to be able to successfully investigate these most serious crimes against society. They must be adequately staffed, sufficiently trained, properly supervised and provided with the necessary resources to operate at a level of efficiency and effectiveness that promotes

success and solves cases. Unfortunately that has not been the case for years with CID under previous management. The following changes and improvements are essential in order for CID to meet the investigative demands of the future:

1) Criminal Investigation Division Staffing

- The staffing level in CID must be increased by two members immediately. A detailed caseload analysis for CID members in full service police departments across the country has determined that the CID members at the Greece Police carry an excessive caseload. This creates situations where members are forced to limit their investigations on cases which otherwise merit more intense work and lead exhaustion.
- The supervisory span of control for CID has been excessive. It is recommended that the Town reinstate the rank of Detective Supervisor or similar such title and promote two CID members to that rank. This move will provide for CID supervision on the two shifts that CID regularly covers. Additional supervisors will provide closer supervision of specialized CID units such as juvenile crimes, sex crimes, economic crimes and narcotics (GRANET). In addition, a Detective Supervisor would then step in for the CID lieutenant in his absence, providing continuity of command for investigations.
- The town should create an incremental manpower allocation plan by adding four more positions in CID to address the long term staffing concerns. The department desperately needs to significantly enhance CID capabilities by reducing caseloads to a manageable level and by staffing areas such as juvenile crime, sex crimes,

conducting polygraph examinations and hostage negotiations. All these areas must be seriously considered when mapping out a long term manpower plan.

2) Case Adoption Policy

- The Chief of Police should create a listing of cases that are to be handled and adopted by CID. The list provided by the audit team should be a template for a final internal case adoption policy for CID.
- Guidelines should be established whereby uniform supervisors will review all complaints handled by the uniform patrol to determine which cases fall within the parameters of cases identified to be adopted by CID.
- The Captain in charge of field operations should establish report deadlines that are commensurate with the severity of the matter under investigation. The report deadlines must be enforced to ensure strict compliance and timely submission of criminal investigative reports. Monthly delinquent report memorandums should be initiated by the Captain to facilitate the monitoring of report submissions.
- The Captain in charge of field operations should create a notification policy on CID cases that is clearly understood by uniform supervisors overseeing patrol operations. The policy should, at a minimum, afford a CID representative an opportunity to respond if the case falls within the purview of CID responsibility. CID personnel should ensure that the initial responding patrol member generates an Investigative Action Report on their actions in any complaint which will be adopted by CID.
- A case adoption and case management re-audit by an external auditor should occur within 12-18 months of the implementation of the new procedures. This

compliance verification re-audit is critical to the effective oversight of the police department.

Evidence Considerations

The GPD holds property associated with criminal and non criminal investigations. In doing so, the department accepts responsibility to safeguard that property until it is determined that it should be returned to the owner, auctioned or destroyed. Likewise it must ensure property designated for destruction is properly disposed of. The following measures must be taken to ensure the strict accountability of all evidence in the possession of the GPD.

1) Evidence Procedures

- Property Room procedures must be amended to ensure that all property is subject of an annual inventory and inspection. All property must also be subject of an inventory and inspection whenever there is a change in property room staff or any other authorized personnel.

2) Property Room/Evidence Vault

- Access to the evidence/property room must be limited to those who need access, and not open to those who want access. The Chief of Police should issue orders which limit access to the positions of Chief of Police, member in charge of the Criminal Investigation Division, property room clerk and assistant property room clerk.

- All keys and/or combinations must be changed whenever there is a change in property room staff and whenever there is a change in any other authorized personnel.

3) Security of Evidence Storage Facilities

- The GPD has several auxiliary evidence storage facilities on headquarters property. These facilities are used for larger pieces of evidence, drug storage and for items awaiting destruction. There is an immediate need to repair or replace these facilities. The audit revealed that the evidence in these auxiliary storage facilities could possibly be exposed to environmental damage and animal intrusion. This is completely unsatisfactory and must be addressed as soon as business permits.

4) Destruction of Evidence

- Backlog of evidence awaiting destruction must be resolved immediately. A process must be put in place that prevents a recurrence of this situation. Appropriate checks and balances must be implemented immediately to preclude the premature destruction of evidence and to ensure a detailed recording of all destructions as to date, time, items destroyed, personnel present for destruction (must be two), facility where destruction occurred and the granting authority for the destruction. All procedures regarding evidence destruction should be clearly outlined in an internal order that is reviewed and initialed by all members.

5) Retention of Firearms for Safekeeping

- The practice of providing space for firearms storage under non investigative circumstances should be discontinued and the department must make all reasonable attempts to return those firearms to the owner. In instances where an owner can not be located and the firearm is in police custody for one year or more, proper measures shall be taken to destroy the firearm.

5a) Estate Clause Exception to the Retention of firearms for Safekeeping

- The one exception to the Retention of Firearms for Safekeeping rule applies to a surviving spouse and/or relative who comes into possession of a firearm due to the death of a person who had legally possessed the firearm at the time of his/her death. These circumstances justify the police department taking immediate possession of said firearm(s) until the heir has an opportunity to legally dispose of the firearms. Under no circumstances should the police department retention period be beyond one year.

6) Re-Audit

- A re-audit by an external auditor of all evidence and associated facilities must occur within a 12-18 month period after implementation of new procedures. This compliance verification re-audit is critical to effective oversight of the police department.

Internal Affairs Function

The GPD has over ninety sworn members and thirty civilian support staff. In 2009, officers responded to over 80,000 calls for service. Each of these calls for service involves some sort of police interaction with a citizen, under a wide set of circumstances. Their actions can often generate complaints from citizens due to either a misunderstanding as to police practices and procedures and/or unexplainable alleged behavior on the part of the responding officer. Often times an encounter like this does justify supervisory intervention to determine the facts of the interaction between police officer and citizen.

Too often under the previous police administration, legitimate complaints were classified as a “non-complaint” and prejudged without a proper investigation or collection of facts. Blatant violations of internal general orders most often did not result in the initiation of a personnel complaint and/or an internal investigation when they were justified to determine individual accountability and provide guidance and control. The term internal affairs was loosely used when it was convenient, often to convince and/or mislead town officials that matters were being investigated and appropriately handled by the police administration. Confusion existed in every level of management within the department when it concerned what would constitute a personnel complaint and what necessitated a full scale internal investigation to assign accountability.

The previous leadership of this department is alleged to have consistently failed to conduct in-depth probes and investigations of allegations that warranted an unbiased and independent assessment of the facts. They instead are alleged to have reverted to corrupting the very process that is designed and intended to objectively assess and evaluate the conduct of department members. The nature of the allegations did not

determine who would be assigned to the investigation or what type of investigation would be conducted, but rather the decision was often based on who the accused member was, whether that member had a personal connection with a senior GPD officer or if the situation was one that could be covered up without outside detection or suspicion. The former leaders of this department are alleged to have intentionally deviated from accepted and credible internal affairs practices through acts of misrepresentation of facts, favoritism, lack of documentation and inconsistent recording and memorializing of complaint data from one calendar year to the next. For all intents and purposes, the so-called internal affairs function of this department was so dysfunctional, inadequate and corrupted under the previous administration that no reasonable person could ever expect that this police department had a process that deterred misconduct or investigated misconduct without prejudice and put the interest of the public first.

The GPD is in dire need of establishing an independent team of officers who are dedicated to the prompt, thorough and fair investigation of every incident and allegation of misconduct by members of the department. It is well established that every law enforcement agency the size of this department should have such a unit. Citizens must be provided with a simple and clear method in which to lodge a complaint and must be assured that their concerns will be treated seriously. The establishment of an Internal Affairs Bureau within the GPD will help to ensure the public that there is strict accountability of personnel and sufficient internal controls to identify and address breaches of integrity and accountability.

1) Establish an Internal Affairs Bureau

- The Chief of Police and the Town Supervisor should immediately start the process of creating an Internal Affairs Bureau for the department. The commanding officer of IAB must report directly to the Chief of Police.
- The commanding officer of IAB, not his/her subordinates, must be the point of contact for other commanders in field operations and administration regarding internal affairs investigations.
- The commander of IAB will be responsible and accountable for the following:
 - Proper classification of all reported personnel complaints as to the level of investigation and appropriate supervisory response; and
 - Ensure department wide compliance with the newly proposed complaint intake and investigative procedures through training and strict monitoring; and
 - Review and approve the contents of all internal investigations and some criminal investigations of misconduct by personnel; and
 - Final approval of all personnel complaint investigation reports, subject only to review by the Chief of Police.
- National benchmarks for IAB units call for two percent of total authorized strength to be dedicated to the internal affairs function. The Greece Police Department's Internal Affairs Bureau should be staffed with at least two full time members. The member in-charge should be a ranking member of the department equivalent to the commanders in charge of field operations and administration. The second officer should be at least a detective supervisor.

- IAB should be responsible for the investigation of all complaints against personnel, as well as for conducting procedural audits of the various sections within the department. The member in-charge of IAB should have the authority to delegate very minor complaints to line supervisors to investigate, with proper oversight and monitoring by IAB supervisors.
- All officers assigned to IAB should receive appropriate training in this very specialized field, including performing internal audits. Any member assigned to this unit in the future must also receive this necessary training at the time of assignment. Training must include the manner in which proper and methodical internal investigations are conducted, appropriately recorded and documented.

2) Personnel Complaint System

- The Chief of Police or his designee must meet with the Director of Public Safety to design a new Greece Police Department Personnel Complaints System (PCS).
- The new PCS must be designed to electronically log all incoming personnel complaints whether generated internally or externally.
- The PCS must generate a complaint sheet that at a minimum identifies the name, address and contact information of the complainant, a brief narrative as to the nature of the allegation, the identity of the accused member, the required level of the IAB investigation and other information that the IAB Commander determines to be appropriate and helpful. This database should be capable of being used as an Early Warning System, which will alert IAB to trends in officer behavior. The PCS must be able to track complaints, sort complaints by different classifications

and be a database that memorializes complaint information from one calendar year to the next.

- The commander of IAB will have oversight of and will be designated custodian of all databases comprising the personnel complaint system and shall establish internal security to protect the integrity and confidentiality of this information.
- The Chief of Police and the Commander of IAB will discontinue the use of the present General Order regulating internal affair matters and create a new General Order incorporating all the recommendations contained in the 2009 audit conducted by the Director of Public Safety pertaining to internal affairs and the handling of personnel complaints. Such order will provide a policy statement, procedures upon receipt of a complaint, guidelines for the recording and classification of personnel complaints, required notifications and the required action by department officials that have been notified. It is imperative that this general order defines what constitutes a personnel complaint and clearly outlines what complaints will be handled by IAB and what complaints might be delegated to line supervisors, keeping in mind that the IAB commander has sole discretion in these areas.
- The Town must arrange to have semi-annual audits of the newly created IAB by an external auditor. This oversight will monitor the progress of implementing the suggested changes and recommendations until the unit is fully operational and highly effective in conducting internal investigations and operational audits. This degree of oversight is paramount to ensuring that the new administration has a

solid grasp on integrity based issues and is aggressively promoting individual and organizational accountability.

3) Drug Testing Policy

Town officials and the Chief of Police should take immediate steps to establish a random drug testing program for all sworn members of the police department. In the aftermath of what transpired with former Sergeant Nicholas Joseph, the town has an ethical obligation to the public to move swiftly and take every measure possible to ensure that all sworn officers on duty are physically, mentally and emotionally prepared to perform at their highest level and in a manner that is safe to the officer and the public at large. Management cannot reach an objective of a drug free work environment and provide assurances to its external customers without having the capabilities to randomly test sworn personnel for the presence of drugs. It is of great importance at this point in time that town officials, every member of the department and the unions representing these officers, get in step with other progressive and highly accountable police departments and implement a state of the art drug testing program for the Greece Police Department.

- Recognizing that the Drug Testing Program should not only be a proactive initiative by management but also the unions representing the rank and file, immediate efforts should be underway to establish this program in cooperation with the bargaining units representing patrol officers and supervisors. Nothing less than random testing should be accepted by town management.
- National research has revealed that the vast majority of police officers support a

drug testing program for their department. A random survey of over 600 police departments with 100 or more employees indicated that 86% have drug testing programs that are random and most have provisions for testing members that are suspected of being impaired by drugs.

- When a drug testing program is implemented, the oversight and management of the program should be assigned to the member in charge of the Internal Affairs Bureau. All training, procedures for testing and chain of custody protocols for the drug testing program should fall directly within the purview of the member in charge of IAB. If a lottery system is developed to facilitate random testing, such program and database should be maintained by the Director of Personnel to eliminate questions regarding the randomness of the program and the method used to draw members numbers to be tested.
- The effectiveness of any drug testing program depends upon the randomness of the test and the unpredictability of when a test will be administered. A program without random testing does little to ensure that the department is drug free due to widespread publication of methods to circumvent urine drug test. Randomness is essential to the overall effectiveness of the program and no program should be implemented without this essential element. The random drug testing program must be so constructed to minimize the window of opportunity in which to eschew such a very worthwhile program. Every guideline and instruction concerning this program should be targeted to ensuring that the integrity of the program is not compromised either intentionally or unintentionally.
- Town administrators at the time of implementing the random drug urine testing,

should embark on research that produces sufficient and ample background information as to the justification and need to further develop this random program through securing not only urine but hair samples to test for drugs. This added capability would virtually eliminate the possibility of circumventing the drug testing program because hair cannot be altered in a way that will influence the outcome of the test through attempted manipulation. Drug testing with hair usually gives the department a 6 month history of drug use from the tested member and can in the most part determine the week in which the substance was ingested. Again, this method cannot be diluted, substituted or altered in any manner which is a tremendous advantage over the shortcomings of urine testing.

4) Citizen Satisfaction Surveys

Every police department has a responsibility to the public they serve to measure performance on the part of officers that are responding and investigating complaints, accidents, and in some instances very egregious victim crimes. During the review of field operations of the Greece Police Department, it was determined that there were no systems or process in place to determine the quality of service provided by officers. There were no checks and balances or verifications to assess how officers interacted with the public, conducted themselves as first responders to crime scenes or even to verify if an officer did respond as assigned by the 911 dispatch center. With police services being scrutinized because of high municipal budgets and the expense that goes with having an organized police department, officials should have the means to accurately accumulate data and information to determine whether their police services are being used prudently and effectively.

- The Chief of Police and the Commander in charge of internal affairs should create a survey instrument which will be sent on a monthly basis to a randomly generated list of complainants/victims that required the services of the Greece Police Department. The survey will be used to track citizen interaction with members of the police department. Careful attention should be given to ensuring that the performance of CID members is measured at the same time as uniform patrol officers. The actions taken under this program should be memorialized in a database maintained by the Internal Affairs Bureau.
- When a survey response produces derogatory information that constitutes a personnel complaint, internal affairs will act upon this information immediately and initiate a personnel complaint and render a determination as to who will investigate the matter.
- The statistical data acquired from these surveys should be compiled yearly and shared with the rank and file to facilitate “continuous improvement” within the department.

5) Fingerprint all Department Members

During the internal audit of the police department and as a result of assuming temporary responsibility for conducting all background investigations, it was learned that the GPD had no internal policy that required the fingerprinting of active members and new hires. The police department does not have a process in place to determine if one of their officers has been involved in the commission of a crime while outside Monroe County. Further, there is no general order, rule or regulation of the department that

mandates immediate notification to a superior if a situation of this magnitude was to develop. The GPD should immediately institute an internal policy which mandates the fingerprinting of all sworn personnel and which requires a notification by a member of an arrest situation or negative interaction with law enforcement authorities.

- The Chief of Police must arrange for all members of the police department to be fingerprinted. The Division of Criminal Justice Services maintains a “Search and Retain” file where it maintains fingerprints of police officers upon an agency's request. DCJS then notifies a submitting police department should a member be arrested and fingerprinted by any other criminal justice agency. This internal control mechanism will ensure that the agency is notified if an off duty member does engage in illegal behavior and gets arrested.
- The Chief of Police must implement a program immediately of fingerprinting new hires to the department. No police applicant should be appointed to a permanent police position until their prints have been submitted to DCJS and processed. A general order should be issued incorporating this requirement into the overall background investigation process.

6) Driver License and Vehicle Registration Verification

- Each member of the police department who operates a motor vehicle must have a valid New York State Driver License. Likewise, their personally owned motor vehicle must be properly registered and insured. The Chief of Police should establish a policy wherein the New York State Driver License and Vehicle Registration of each member are verified for validity on a semiannual basis.

- The Driver License and Vehicle Registration Program should be managed and monitored by the Internal Affairs Bureau.

Travel Considerations

As previously highlighted under the audit section of this report, the travel by some department members revealed a number of inconsistencies and questionable submissions for payment. Though it may have been considered reasonable by Town officials to trust as accurate travel vouchers submitted by and approved by a senior GPD officer, it was determined that the trust factor was over utilized and verification measures under utilized to a point that serious abuses were identified constituting fraud. There were many examples of duplicate requests for payment, unauthorized use of town time and vehicles, requests for repayment of unauthorized expenses, misuse of equitable sharing funds under federal forfeiture and other financial irregularities. There was little or no oversight of out-of-state travel to determine if the travel by GPD officers was legitimate and associated with their professional responsibilities. The verification process was so minimal that the audit could not determine if the involved members had in fact attended these conferences for which they were claiming reimbursable expenses. This lack of oversight and monitoring created fertile ground for financial fraud, misappropriation of Town funds and abuses that are in many ways unparalleled in law enforcement. The Town and police department should incorporate policy changes that are designed to ensure that travel by GPD members is subjected to adequate oversight and monitoring.

- The Town has a publication which sets forth policy for travel. All members of the police department should be distributed a copy of this publication and strict

compliance demanded.

- All requests for travel must include documentation justifying such attendance.
- Travel should not be used as a reward but for legitimate and operational purposes only.
- There should be no “emergency” requests for training or conferences. These events are scheduled far in advance and attendance should be scheduled in ample time to secure favorable airfare and motel rates and to avoid unnecessary schedule changes.
- All attendees, including ranking members, should be required to submit proof of attendance at training and other functions attended on duty.
- Travel outside of Monroe County should require authorization of the Chief of Police or in his absence, one of the department commanders.
- Travel out of state must be approved by both the Chief of Police and the Town Supervisor. The travel must be both reasonable and necessary and consistent with priorities as it concerns investigations and training.
- All police department outside training, conferences, professional association meetings and other travel expenses should be subject of a separate and complete audit for each of the next three years by an external auditor. Audits in subsequent years will be conducted annually by the Internal Affairs Bureau.

Use of Overtime

The lack of accountability within the police department included overtime hours claimed by department members. The overtime policy of the department did not require that a supervisor “approve” the time worked as necessary, but only that the approving officer’s signature certified that the submitting member did in fact submit the overtime slip. The department did not have any internal procedures to regulate overtime and no audit process to verify the legitimacy of the overtime claimed. There were no checks or balances and no written instructions to guide supervisors in the management or administration of the overtime program.

- The misuse of overtime was determined to be so widespread that the Director of Public Safety has issued instructions for the Police Chief to immediately issue a new General Order setting forth new policy for working overtime and for the management and administration of overtime worked by members.
- Supervisors will conduct spot audits to measure compliance with the new policy and to ensure strict accountability of members submitting overtime claims.
- Accountability of overtime must extend to details and assignments that are external to the day to day management of the department, such as GRANET and the Economic Crime Detail.
- Use of overtime by department members should be subject of an annual audit. A re-audit should be conducted by an external auditor within 12 months of the implementation of new overtime guidelines. It is responsible management to have a compliance verification re-audit on financial matters that was riveted with abuse, lack of controls and in some instances fraud.

Tracking Employee Performance and Conduct

In addition to investigating allegations of misconduct and implementing the best practices outlined previously, the newly created Internal Affairs Bureau should be actively involved in monitoring trends concerning employee performance and conduct and department operations to maintain the highest standards of service. In order to provide effective quality control measures, the following programs are recommended:

1) Comprehensive Internal Audits

- These audits should be assessments of administrative and field operations and should include an evaluation of leadership, teamwork and customer service; as well as audits of evidence storage, handling and retention; overtime, leave accrual and usage; member performance, reimbursable expenses; CID operations; background investigation unit; candidate selection process and other vulnerable assets and areas.
- Each audit should be professionally documented and a report issued within 30 days of the audit. A response document must be required outlining what corrective action has been taken. Re-audits should be conducted if the derelictions were substantive and material to the overall effectiveness and the efficiency of the department.
- A yearly audit schedule should be created by December 15th of each year for the following calendar year and provided to the supervisors and section heads. Unannounced audits are acceptable if they only constitute a spot audit.
- An audit manual should be developed and issued to every section head and supervisor within the department. Such manual will facilitate uniformity,

consistency and provide guidelines for the rank and file of the police department. Audits should not commence until this manual has been completed and provided to all supervisors and section heads of the department.

2) Administrative/Critical Incident Review

- Any action by an employee during the proper performance of his/her duties that results in serious physical injury or death to another person or the employee should be subject of a comprehensive internal investigation and the thorough and methodical review of the facts and circumstances.
- As soon as business permits, the review program should start with discharge of firearms cases and police vehicle traffic accidents resulting in serious physical injury or death.
- In each critical incident, the Captain in-charge of CID will conduct the criminal investigation and the Captain in-charge of IAB will oversee and either conduct or supervise the internal administrative investigation. Each effort will be independent of the other unless the employee waives their contractual rights and allow the use of the administrative matter in the criminal investigation.
- All critical incidents should be entered into a department database that is maintained and monitored by the Captain in-charge of the Internal Affairs Bureau.
- Consistent with available time and opportunity to perform this task, the Commander in charge of IAB should develop an internal order defining what constitutes a “critical incident”, what is required for investigating and reporting on these incidents and the role of IAB in these matters.

- Appropriate training of all department supervisors should take place before the program is implemented and becomes operational.

3) Domestic Incidents Involving Department Employees

- Any employee involved in a domestic incident should be investigated to determine if the employee is culpable and, if so, the degree of culpability. This should include any domestic incident that comes to the attention of any member of the police department regardless of the jurisdiction where the incident occurs.
- A patrol or CID supervisor must be dispatched immediately to the scene of an involved employee, and make a determination if the behavior and conduct of the employee constitutes a mandatory arrest situation. If probable cause does exist to effect a mandatory arrest, a Captain must be notified immediately and must respond to the scene to conduct the investigation and make the arrest if probable cause exists.
- If serious injury results to the victim, the Captain-in-charge of IAB will be notified and will respond and initiate an internal investigation immediately. All allegations of domestic abuse against an employee will be subject of a personnel complaint and the appropriate investigation headed by IAB will be conducted. A department database should also be considered.
- An internal general order should be created outlining the expectations of the Chief of Police as it concerns these very sensitive investigations. The order will raise the awareness of the police force as to the importance of handling these matters professionally, objectively and effectively.

4) Promotional or Reassignment Disciplinary Review

- Prior to the promotion or reassignment of any member a review of that member's disciplinary history should be conducted to ascertain their suitability for reassignment or promotion. An employee abstract should be created and made part of this process.

5) Early Intervention Program

- The implementation of an Early Intervention Program or what is commonly called an Early Warning System, would assist upper management with identifying potential problematic employees and emerging negative behavioral trends. At a minimum, the program should evaluate information from databases tracking use of force, injury to prisoners, personnel complaints, patrol vehicle accidents and the use of sick leave to determine if the need exists for management intervention concerning a member's conduct or performance.

6) Benchmarking for Successful Programs

- Due to the large volume of highly trained and professional police departments throughout the United States, many agencies are very proactive in tracking and monitoring member conduct and behavior. It is strongly recommended that the Captain in-charge of the Internal Affairs Bureau establish professional relationships with his/her counterparts throughout the country to identify best practices that are compatible to the operational needs of the Greece Police

Department. A concentrated effort in this area will undoubtedly reap significant benefits for the newly established Internal Affairs Bureau.

Personal and Organizational Responsibility

Based on the results of this investigation and audit, the Town leadership should have taken a more active role in overseeing Department operations. Prior to 2009, the GPD was managed by senior GPD officers who are alleged, in many cases, to have been motivated by personal gain or favoritism. It is alleged that these senior GPD officers affirmatively mislead and otherwise deceived the Town leadership. The senior leadership of the GPD was allowed to mismanage the Department in the manner detailed in this investigation and audit without sufficient oversight. As such, it is strongly recommended that the Town Supervisor and Town Board require that the Chief of Police be accountable to them for all aspects of Department operations and substantiate to this group that the Department is meeting or exceeding objective criteria of success. The recommended re-audits by an external auditor will greatly assist Town officials with measuring compliance and the effectiveness of field, administrative and IAB operations of the GPD.

The GPD must also reestablish a culture of personal and organizational accountability for the conduct of its employees. It is absolutely imperative for the Department to take on a proactive effort to prevent misconduct. It also must ensure that every employee understands that a lack of honesty and integrity is contrary to and incompatible with the Department's mission and core values and will not be tolerated.

The following recommendations will help achieve these goals:

- 1) The Department must hold all employees accountable for their own actions and those of their peers.

- Any time an employee becomes aware of misconduct by anyone in the department, whether by a report from a member of the public, another employee or by personal observation, that employee must immediately report the misconduct to the appropriate supervisor.
 - Employees who fail to report misconduct must be subject to disciplinary action for failing to report it.
- 2) The Department must hold supervisors accountable for failing to properly address the inappropriate actions of their subordinates.
- This requires supervisors to be proactive in preventing police misconduct.
 - It also attaches culpability to supervisors for willful blindness.
- 3) The Department needs to effectively reinforce the importance of members telling the truth on internal matters whether involving the wrongdoing of self or any other department personnel. Should deception be noted and substantiated during an internal investigation, the responsible member(s) will immediately become subject of a personnel complaint and investigation. There should be zero tolerance if an employee commits an act of deceit and/or deception during an internal investigation.
- 4) The Department must impose meaningful and appropriate discipline whenever an employee is found guilty of misconduct.
- The Department should establish objective standard levels of discipline for various types of misconduct. The standards should be reviewed periodically and adjusted as necessary to reflect societal changes and public expectations.
 - The Town should not ever cede management authority to take appropriate investigative and disciplinary action against employee misconduct.

- The agency must eliminate improper classification of cases/dispositions that result in ineffective discipline.

5) The Department must aggressively mandate adherence to all established policies and procedures.

SELECTION OF NEW CHIEF OF POLICE

The resignation of the chief of police from the GPD on October 9, 2009 allowed the Town to commence the process to bring new leadership to the police department. The investigation by the Public Safety Director had established the depth of the corruption and the alleged criminal practices of the administration under the former chief. After enduring more than a decade of inept and self serving leadership in the police department and failing in a previous attempt to fire the former chief, the Town Supervisor and the Director of Public Safety recognized they must seize on this opportunity to ensure that the new chief of police has the experience, integrity, leadership skills and vision to move the department in a new direction. The people of the Town of Greece and the men and women of the GPD deserved no less.

It was established that the process to hire the new chief would be fair and transparent. A screening committee was formed, consisting of the Town Supervisor or his designee, the Director of Personnel and the Director of Public Safety. This committee reviewed all resumes and determined that six applicants were qualified to move on for further consideration. The candidates were given a twenty seven page questionnaire which would be used as the basis for the background investigation. An appointment was made for each candidate with a psychologist for an interview and evaluation of his leadership abilities.

The Director of Public Safety assigned the six background investigations to investigators on his detail. One candidate reconsidered and withdrew immediately and a second withdrew shortly after the background investigation process began, both choosing to remain with their current employer. The remaining four candidates opened their

professional and personal lives to scrutiny. All recognizing that it was necessary and reasonable that the town demand from the next chief a high level of experience, integrity and character. Public Safety investigators completed the background investigations and it was determined that each was deserving of consideration as the next chief of police. The four candidates were formally interviewed by the Deputy Town Supervisor and the Director's of Personnel and Public Safety who presented each candidate with a series of questions and scenarios. The candidates then individually appeared before the full town board. Each candidate was highly qualified and each impressed the members of the board.

After some deliberation, the Town Supervisor offered the position of Chief of Police in the Town of Greece to Captain Todd Baxter of the Rochester Police Department. Captain Baxter accepted and was sworn in as the new police chief of the Town of Greece Police Department on February 8, 2010. This selection process was time consuming and demanding of candidates and Town personnel alike. However, the process was comprehensive and fair. The process resulted in selection of a talented and exemplary law enforcement professional who is well qualified to meet the many challenges of leading this Department in the years ahead.

CONCLUSION

The Town of Greece Police Department has for the past two years endured much pain and embarrassment due to the criminal trials of several former members, members whom once served shoulder to shoulder with many of the men and women who now constitute the rank and file of this proud police department. These same individuals have also endured the internal investigations of 38 separate allegations of misconduct which again brought into question the integrity and character of additional personnel who either made bad choices, bent the rules or in some instances arrogantly violated the public trust and confidence placed in them by the citizens of the Town of Greece.

In spite of this ongoing disruption and at times destruction of individual careers, the dedicated men and women of this department, out of duty to their profession and the people they swore to protect and serve, reported for work everyday knowing someday this investigation would end and they would have the inherent responsibility to rebuild the cornerstones of their department which until now was deep with pride, outstanding tradition and service to their community.

The Greece Police Department is once again a proud group of professional men and women serving under the welcomed and superb leadership of Chief Todd Baxter. These dedicated and committed police officers and civilian personnel have embraced the many “best practices” outlined in this report with zeal, relentless pursuit and tremendous pride knowing that their beloved police department has to change in order to prevail over the worst chapter in their 78 year history. They must not relent and they should never forget the root causes that resulted in this deplorable situation: failed leadership, violations of laws, disobedience of internal orders and a few individuals placing personal

interest ahead of integrity and service, which contributed to the problems detailed in this report.

Finally, there usually is a direct correlation between the success of an investigation and the limitations and restrictions placed on it by the governing authority. Town Supervisor John Auberger from the very first day of this massive effort guaranteed Director Loszynski complete autonomy and independence during every phase of this evaluation. In spite of knowing that these decisions could bring unpredictable outcomes and possibly public embarrassment, Mr. Auberger made a tough strategic decision to proceed forward with a robust investigation that he felt would restore integrity to the department and move his police department into a 21st century mindset of adequate oversight, increased accountability and unimpeachable integrity and character. A decision that unfortunately isn't often taken in either the public or private sector when faced with similar circumstances. No one can dispute the good that has evolved out of this decision: the reorganization of the police department, the assignment of responsibility when it was substantiated and justified, stricter internal controls on financial matters, improved individual and organizational accountability and the establishment of new goals for the police department that, if achieved, will make this law enforcement agency one of the premier departments in the State of New York. The landscape has been changed for good reason and it is now in the hands of the energized leadership and the dedicated members of this police department to determine their destiny and future in this supportive community.

Commentary by **EDWIN J. DELATTRE, PhD**

Edwin J. Delattre is a philosopher who concentrates on questions of ethics and the public trust. He is an adjunct scholar at the American Enterprise Institute; professor emeritus of philosophy in the College of Arts and Sciences at Boston University; dean emeritus of the School of Education at Boston University; and president emeritus of St. John's College in Annapolis, Maryland and Santa Fe, New Mexico. For more than thirty-five years, Dr. Delattre has worked extensively with police departments and law enforcement agencies throughout the world. He is the author of *Character and Cops: Ethics in Policing*, now in its fifth edition. Dr. Delattre was kind enough to review the facts and circumstances facing the Town of Greece and the Greece Police Department. He spent considerable time and effort considering the issues and has written the following commentary. Dr. Delattre declined compensation for this work.

COMMENTARY

Every police officer in America affirms or takes an oath to uphold and defend the United States Constitution and therefore its Bill of Rights. The New York State Constitution begins with an extensive Bill of Rights consistent with the Bill of Rights in the nation's Constitution. The Town Code of Greece, New York begins with a Code of Ethics intended to secure the rights of the people from abuses of power and authority by Greece public servants, including every member of the Police Department whether sworn or civilian.

All of these explicit commitments and safeguards mean to make clear that public servants are obligated to serve the public and not to reap illicit profit or enjoy exemption from the law at public expense. They are not charged merely to possess the public trust and confidence; rather, they are charged to behave so as to deserve it.

The special authority and powers with which public servants are entrusted in order to fulfill their duties carry with them the obligation to live up to higher intellectual and ethical -- and, where relevant to work requirements, physical -- standards than are incumbent on the public they serve. Maintenance of such standards of competence, judgment, and integrity in the daily work of government officials and their institutions and agencies depends on:

(1) Electing and appointing persons with the intellectual capacity, willingness to learn, and decency of character to exercise their authority responsibly and within the limits of the letter and spirit of the laws; and

(2) Holding every individual public servant, institution, and agency accountable for its policies, procedures, practices, overall performance, and individual conduct.

Where these essentials of trustworthiness break down or are forsaken, the security, rights, and safety of the public are at best put at risk and at worst betrayed and violated. Concerted efforts to fulfill their duties by competent and honorable public servants such as members of a police department, and to do so in spite of the incompetence, misconduct, corruption, or lawbreaking of others, face severe and unnecessary impediments.

When the citizenry learns that some in government, including those in positions of leadership and high office, have betrayed their trust, allowed accountability to wither, covered up serious wrongdoing, citizen confidence in public servants in general and in

government itself may be shaken. This is a profound disservice to all who have never strayed from the path of duty and faithful service. But confidence in government, including police, can be fragile, susceptible to erosion by even the appearance of wrongdoing or exploitation of authority for private gain.

Accordingly, where reasonable grounds cannot responsibly be ignored for concern that failures of performance, integrity, and accountability have been committed in government; the public interest demands that an institutional review, inquiry, or investigation be undertaken to discover the truth. If the ability of the institution to conduct a conscientious, thorough, unblinking, and trustworthy investigation is itself in question, then the matters ought to be referred to duly authorized and qualified personnel from outside the agency.

By the middle of 2008, events and actions that had come to light within the Town of Greece Police Department demanded such an investigation.

In March, 2009, many of these concerns were confirmed by the conviction of a Greece police sergeant of five felonies and two misdemeanors. He had crashed into a stopped vehicle containing a pregnant woman while he was impaired by alcohol and cocaine. Testimony at his trial by the police supervisor at the scene of the accident has supported an allegation that a proper investigation was not undertaken. That supervisor asserted he had judged the accident not serious enough to warrant an investigation despite the fact that the driver who caused the accident fled the scene of the crash and the pregnant woman sustained serious personal injuries. Other incidents of

serious wrongdoing by police also came to light, including accusations by several women that a member of the department attempted to extort sexual favors. In April, several senior members of the department were suspected of shredding documents under subpoena by the district attorney. Local media reported that "a few police officers have made the [police] department look like an above-the-law posse of cowboys" from which "residents cannot feel secure."

Faced with a worsening situation and evidence of a breakdown of accountability in the Police Department, in April, 2009, the town supervisor appointed a new director of public safety. His initial charge was to investigate internally the handling of the hit and run accident by police, the allegations that an officer extorted sex from women in the town, and the question of document shredding by senior officers of the department. On April 27, the director, with a team of investigators he selected as staff for his office -- all of them, like himself, former investigators with the New York State Police -- initiated these investigations.

This beginning led to thirty-eight internal investigations in which investigators have alleged widespread operational failures, lack of adequate rules and regulations essential to competent policing, reckless disregard of internal orders and procedures, poor training, outsourcing of background investigations without oversight by the department, and countless other severe obstacles to trustworthy policing. Based on the results of the investigation, the director proposed to the town supervisor a "spot procedural audit" of key department divisions so that he and his team could recommend policies, procedures, regulations, and operational changes designed to prevent as much as possible the

continuation or recurrence of the affronts to the public interest already uncovered. In the course of these steps to restore accountability where it was absent, they would begin the task of helping the honorable police within the department to make it worthy of the public trust and confidence throughout its operations.

Based on the results of the internal investigations and audit, several senior officers of the department and subordinate officers are alleged to have been involved in serious misconduct and incompetence. By successfully deceiving town officials and holding them at arm's length, fabricating background investigation materials, nurturing a culture of cronyism at the top, and intimidating subordinates who were willing to go along to get along, it is alleged that the leadership of the department was able to establish and perpetuate a fiefdom in which accountability was a fiction and contempt for policy and law a fact of life.

Beyond the problems described above, the Greece Police Department had been accredited, a status that is supposed to be enjoyed only by departments whose operations conform to high standards of performance throughout. The director of public safety's investigation showed that in reality, the department was out of compliance with numerous standards of accreditation, all of which had to be remedied for accreditation to be legitimate. These conditions had widespread adverse consequences in the department.

The much needed audit covered the range of operations and practices throughout the criminal investigation division and a special review of the availability of sufficient personnel to accomplish the work; all aspects of property management, custody of

evidence, and maintenance of reliable records; processes for background investigations and selection of new personnel; all policies and practices in the internal affairs and personnel complaint system; procedures and methods of accountability for approvals of travel and expenses; management and control of overtime permissions and costs; and maintenance of military equipment in the care of the department.

The investigating team found deficiencies of profound practical consequence in every area. Some of the deficiencies arose from inadequate staffing, some from an atmosphere and ingrained habits of non-accountability at the highest levels of the department and another from careless outsourcing of vital department responsibilities. Neglect, inexperience, shoddy training and preparation for assignments, and mismanagement and intimidation of subordinates by top leaders compounded other critical faults. No police department could possibly be expected to fulfill its mission, its most basic purposes, with so much of its internal structure and content in desperate need of reform. Thus, the director of public safety prepared sustained recommendations for each operational domain requiring detailed and specific responses from the newly appointed chief of police.

In addition, the director of public safety and his team established criteria for identifying qualified recruits and other personnel, conducting background investigations, and conducting searches for senior command staff. Implementation of the recommendations and application of the criteria will be needed throughout the department to bring it up to acceptable standards of professionalism, accountability, and trustworthiness.

In thirty-five years of working with federal, state, and local law enforcement and police in the United States and other countries, often dealing with grave crises, I have never seen a better investigation of conditions within a police department or articulation of imperatives for overcoming the worst of those conditions and securing a responsible future. Such is the thoroughness and precision of the work and the report issuing from it that it could serve as a splendid textbook or instructional manual for training in institutional investigations and audits. If the Town and the Police Department of Greece follow through resolutely on the recommendations for reform and the establishment of reliable procedures, policies, regulations, personnel allotments, and conscientious reports, they should succeed in greatly reducing or preventing altogether the excesses and deficiencies of the past. The Town and the Greece Police Department now stand at the threshold of opportunity to take full advantage of the service of their police personnel who have remained always faithful to their oath, their colleagues, and the public. Thanks to them, and to the expertise and conscientiousness of the office of the director of public safety, the Police Department has an excellent chance to earn and deserve in every facet of its work the trust and confidence of the people of Greece.

APPENDIX I

Career History

Retired Deputy Superintendent Joseph F. Loszynski

Colonel Loszynski was a 32 year veteran with the New York State Police. At the time of his retirement he was in command of the Internal Affairs Bureau (IAB), a statewide unit, headquartered at the State Campus in Albany, with regional offices in Newburgh, Syracuse and Rochester. As Deputy Superintendent in-charge of IAB he not only oversaw every internal investigation into alleged misconduct but also directed a proactive audit unit. This specialized group of experienced law enforcement officers assessed police operations statewide and looked at such things as leadership, operational efficiency and effectiveness, individual and organizational accountability, with a special emphasis on facilitating the use of “best practices” in order to engage all levels of management with a well known management principle of “continuous improvement”. Under the colonel’s leadership, the New York State Police expanded their drug testing to include hair analysis, created the Early Intervention Program, modernized IAB operations to a point of having financial auditors on the staff and regional IAB offices with a full compliment of personnel. He was instrumental in improving the effectiveness and responsiveness of critical incident teams that were tasked to investigate the use of deadly physical force and other high profile actions of state troopers. He and his unit were used frequently by entities in and outside of the State of New York on sensitive matters involving IAB operations and internal audits. One such detail occurred just prior to his retirement, when the State of Connecticut requested his services to assess the effectiveness and management of the Connecticut State Police Internal Affairs operation. As a result of this massive effort, worked in conjunction with the Connecticut Attorney Generals Office, many organizational changes were made, revamping the handling and investigation of internal complaints and establishing internal protocols necessary to ensure improved individual and organizational accountability.

During his tenure with the New York State Police, Loszynski held just about every rank with the troopers, most notably BCI Captain in Central New York during the mid 1980’s to early 1990’s supervising many high profile homicide investigations. He was instrumental in the capture and arrest of serial killer Leslie Warren, whose crime spree started with the murder of a Fort Drum soldiers wife in Sacketts Harbor, New York and the subsequent killing of four other females in the states of North Carolina and South Carolina. Warren has been sentenced to death and is awaiting his execution on death row in North Carolina. It was Colonel Loszynski’s investigators that solved the Delbert Ward homicide in Munnsville, New York which was featured in a world-wide documentary, titled “My Brothers Keeper”, where the colonel was interviewed extensively regarding the interrogation techniques used by the state police in this murder investigation. In all, this major crimes supervisor engineered investigative plans on more than 250 suspicious death cases, with more than 150 being classified as homicide.

Colonel Loszynski in 1992, was tasked by the state police to be the Troop Commander in Troop C, Sidney, New York, who was experiencing the largest scandal ever to hit the troopers. Three state police members of Troop C were convicted of fabricating fingerprint evidence on several high profile cases, several of which were homicides. This three year investigation, directed by a special prosecutor appointed by the Governor, resulted in state prison terms for the three state police members. Other members were either forced to retire or were terminated. Then Major Loszynski was successful in rebuilding the public trust and confidence in the State Police that had been shattered by the actions of a few state police members.

Colonel Loszynski is a graduate of the FBI National Academy, the Governors Leadership Classroom and the nationally known Frances Glessner Lee Homicide School in Maryland. He also is a military veteran that served in Vietnam. Colonel Loszynski resides with his wife in Queensbury, New York.

APPENDIX II

Career History

Public Safety Directors Work Detail

Retired Staff Inspector John E. Wood

Staff Inspector Wood was appointed as Director Loszynski's executive assistant. During Inspector Woods 29 year honorable career with the New York State Police, he held a wide range of positions, including many leadership positions in the Bureau of Criminal Investigation (BCI). In this very specialized unit, he supervised hundreds of homicides and major drug investigations, some of which are the most notable cases in the history of the region. His expertise and success with conducting methodical and highly effective major case investigations, earned him a promotion to Staff Inspector and the ultimate responsibility of overseeing and supervising the State Police Internal Affairs operation for a 15 county region in Central, New York. Prior to his state police service, Wood served heroically with the United States Air Force and completed two tours of duty in Vietnam. As a aerial gunner on a AC-130 gunship, he flew 183 combat missions and is the recipient of numerous military awards including 8 Air Medals, 2 Distinguished Flying Crosses and a Silver Star.

Retired Major Robert Gretschel

Major Gretschel retired from the New York State Police with over 26 years of honorable service. During his career with the New York State Police, he served as a Station Sergeant, BCI Lieutenant, and a Captain assigned to Division Headquarters. In his position as Captain, he was responsible for facilities management, contracts and leasing of the over 200 state police facilities throughout the state before he was promoted to the rank of Major in charge of Division's Planning and Research section. There he was responsible for benchmarking with other comparable police agencies throughout the United States regarding "best practices", designing or creating new programs for consideration and implementation by the state police and assisting operational units with evaluating new initiatives after implementation. Major Gretschel was bestowed the honor of attending the State Police Masters Program where he earned a Masters Degree in Public Administration. Since retiring, Mr. Gretschel has worked as a supervisor for the New York Racing Association and obtained his New York State Real Estate License.

Retired Senior Investigator Joaquin Aymerich

Senior Investigator Aymerich honorably served the New York State Police for 20 years in various positions, including his last assignment as the unit supervisor of the Bath/Wayland BCI Office. Investigator Aymerich served in many specialized and sensitive units, including the Violent Crime Investigation Team, the Troop E Crisis

Negotiation Team, and several different state police narcotics units spanning a territory from New York City to Upstate and Western New York. Senior Investigator Aymerich was well known for his bilingual capabilities which proved to be a tremendous asset to the State Police on sensitive interrogations, eavesdropping cases and undercover operations that required a high level of expertise in this area. Mr. Aymerich is now employed by Nazareth College in the Rochester area.

Retired Senior Investigator Maynard Cosnett

Senior Investigator Cosnett honorably served the New York State Police for over 32 years in various positions, including Uniform Sergeant, Station Commander, BCI Criminal Analyst, Auto Theft Investigator, Child Abuse Investigator, Central New York Drug Enforcement Task Force Coordinator and Casino Gaming Detail Coordinator. His diversified background was a tremendous asset to the state police on cases that required a tactical and insightful plan to solve a difficult case. Prior to his state police service, Cosnett served as a Petty Officer with the United States Navy Atlantic Amphibious Fleet. Since retiring from the troopers, Mr. Cosnett has formed a private investigations company in Central, New York.

Retired Senior Investigator Robert Fuller

Senior Investigator Fuller honorably served with the New York State Police for over 27 years in various positions and units including the uniform patrol force, the scuba unit, Troop E Narcotics Enforcement Unit, BCI Investigator at the Geneseo and Canandaigua substations and as a supervisor with the State Police Community Narcotics Enforcement Unit (CNET). Since retiring from the troopers, Fuller has continued his service to the community as an Investigator for both the Geneseo and Clifton Springs Police Departments. He is currently serving with the United States Army on his second deployment to Afghanistan as an embedded Law Enforcement Professional, responsible for the investigation of groups and individuals manufacturing and emplacing Improvised Explosive Devices (IED).

Retired Investigator Douglas Vittum

Investigator Vittum honorably served with the New York State Police for 32 years in various positions and units including road patrol, Troop E Commercial Vehicle Enforcement Unit, as a Hazardous Materials Specialist, Traffic Section Assistant Safety Officer, a Firearms Instructor, and in post 9/11 the Counter Terrorism and Intelligence Unit. Prior to his state police service, Vittum was a United States Army combat veteran, having served in Vietnam from 1967 through 1968 as a Sergeant in the Military Police. Since retiring from the troopers, Mr. Vittum was employed in the commercial trucking industry as an instructor in the very specialized area of hazardous material handling and safety.

Retired Investigator George Briggs

Investigator Briggs served honorably with the New York State Police for 28 years in various positions and units, including road patrol, counselor at the state police academy, BCI Investigator at Watertown substation and BCI Investigator assigned to narcotics enforcement for seven years. Following his retirement from the state police, Briggs worked as a Special Trooper at the U.S. Customs and Immigration at Wellesley Island, New York. He is currently a private investigator for a firm in Central, New York.